

SPECIAL AMUSEMENT PERMIT ORDINANCE OF THE TOWN OF TREMONT

The Town of Tremont hereby ordains that an ordinance entitled Special Amusement Permit Ordinance of the Town of Tremont be hereby adopted as follows.

ARTICLE I Title, Purpose, and Definitions

Section 101. Title

This Ordinance shall be known and may be cited as the Special Amusement Permit Ordinance of the Town of Tremont.

Section 102. Purpose

The purpose of this Ordinance is to control, as required by Title 28, Section 702, MRSA, the issuance of Special Permits for music, dancing or entertainment in facilities licensed by the State of Maine, to sell liquor or malt liquor in the Town of Tremont.

Section 103. Definitions

- a. Entertainment. For the purposes of this Ordinance "entertainment" shall include any amusement, performance, exhibition or diversion for patrons or customers of the licensed premises whether provided by professional entertainers or by full-time or part-time employees of the licensed premises whose incidental duties include activities with an entertainment value.
- b. Licensee. For purposes of this Ordinance the term "Licensee" shall include the holder of a license issued pursuant to the provisions of Title 28, MRSA, Liquors, as amended, or any person, individual, partnership, firm, association, corporation or other legal entity acting as agent or employee of any holder of said license.

ARTICLE II General

Section 201. Permit Required

No licensee for the sale of liquor or malt liquor to be consumed on his licensed premises, situated in the Town of Tremont, shall permit on said licensed premises, any music, except radio or other mechanical device, any dancing or entertainment of any sort unless the licensee shall have first obtained from the Board of Selectmen of Tremont, a Special Amusement Permit signed by at least a majority of the members of the Board of Selectmen.

Applications for all Special Amusement Permits shall be made in writing to the said Selectmen and shall state the name of the applicant; his residence address; the name of the business to be conducted; his business address; the class of permit desired; the nature of his business; the location to be used; whether the applicant has ever had a license to conduct the business therein described either denied or revoked and, if so, the applicant shall describe those circumstances specifically; whether the applicant, including all partners or corporate officers, has ever been convicted of a felony and, if so, the applicant shall describe specifically those circumstances; and any additional information as may be needed by the Board of Selectmen in the issuing of the permit including but not limited to a copy of the applicant's current liquor license.

No permit shall be issued for any thing, or act, or premises, if the premises and building to be used for the purposes do not fully comply with all ordinances, articles, bylaws, or rules and regulations of the Town of Tremont.

The fee for a Special Amusement permit shall be Ten Dollars (\$10.00).

The Board of Selectmen shall, prior to granting a permit and after reasonable notice to the municipality and the applicant, hold a public hearing within fifteen (15) days of the date the request was received, at which hearing the testimony of the applicant and that of any interested members of the public shall be taken.

The Board of Selectmen shall grant a permit unless it finds that the applicant has knowingly made an incorrect statement of a material nature on the application for a permit, that issuance of such a permit would be followed by licensee's violation of other municipal ordinances, or rules and regulations, articles, or bylaws, or will be detrimental to the public health safety or welfare.

A permit shall be valid only for the license year of the applicant's existing liquor license.

Section 201.1 Classes of Permits

Special Amusement Permits granted by the Board of Selectmen shall be limited to the following classes:

- Class A- Single Instrumentalist without mechanical amplification;
- Class B- Single Instrumentalist and vocalist with out mechanical amplification;
- Class C- One or more vocalists and/or instrumentalists without mechanical amplification
- Class D- Any one of the above with mechanical amplification;
- Class E- Dancing with any of the above or accompanied by music produced by radio or other mechanical device,

And any permit granted shall be for one of the above noted classes. A licensee shall not permit on the licensed premises, any music, dancing or entertainment which exceeds that permitted by the class of his permit, during the period for which his permit is valid as otherwise determined by this Ordinance.

During the period for which his license is valid, the licensee may reapply for a new Special Amusement Permit, if he elects to permit dancing, music, or entertainment which exceeds that permitted by the current permit. Said reapplication shall be governed by all the provisions of this Ordinance with respect to applications for a Special Amusement Permit in general including the payment of the permit fee of Ten Dollars (\$10.00).

A violation of this section by a licensee shall be grounds to revoke or suspend his permit and/or to refuse to grant a permit upon subsequent application by the same licensee.

Section 202. Applications

The application for a Special Amusement Permit shall set forth the type of music and entertainment intended by the applicant to be permitted on the licensed premises and whether dancing is permitted.

Section 203. Suspension or Revocation of a Permit

The Board of Selectmen may suspend or revoke a Special Amusement Permit which was issued under this Ordinance if the permit holder is in violation of any provision of this Ordinance or has knowingly made an incorrect statement of a material nature on the application for a permit. Determination of the severity of the violation and whether a suspension or revocation is warranted shall be made by the Board of Selectmen after a public hearing preceded by notice to interested parties.

Upon complaint or complaints of any person or persons that there are grounds to revoke said permit, and said complaint or complaints having been found by the Board of Selectmen to be valid, after hearing as hereinbefore provided, the Board of Selectmen may warn the licensee that unless the cause or causes of said complaints are removed forthwith, that said permit will be revoked suspended after a subsequent hearing concerning same.

Section 204. Permit and Appeal Procedures

- a. Any licensee requesting a Special Amusement Permit from the Board of Selectmen shall be notified in writing of its decision no later than fifteen (15) days from the date his request was received. In the event that a licensee is denied a permit, the licensee shall be provided with the reasons for the denial in writing. The licensee may not reapply for a permit which has been denied, except with the consent of the Board of Selectmen.

- b. Any licensee who has requested a permit and has been denied, or whose permit has been revoked or suspended, may, within thirty (30) days of the denial, suspension or revocation, appeal the decision to the Tremont Board of Appeals as defined in title 30, Section 2411, MRSA, as amended. The Board of Appeals may grant or reinstate the permit if it finds that the permitted activities would not constitute a detriment to the public health, safety or welfare, or a violation of this Ordinance, or that the denial, revocation or suspension was arbitrary or capricious or that the denial, revocation or suspension was not based by a preponderance of the evidence, on a violation of any ordinance, article, bylaw, or rule or regulation of the municipality or on a material incorrect statement on the permit application.

Section 205. Admission

A licensed hotel, Class A restaurant, Class A tavern or restaurant malt liquor licensee who has been issued a Special Amusement Permit may charge admission in designated areas approved by the municipal Special Amusement Permit.

ARTICLE III

Penalty, Separability and Effective Date

Section 301. Penalty

Whoever violates any of the provisions of this Ordinance shall be deemed guilty of a criminal offense and upon conviction thereof, shall be penalized by a fine not exceeding \$1000.00 or by imprisonment for not more than thirty (30) days or by both said fine and said imprisonment.

Any violation of this Ordinance or any provision thereof, shall be deemed a public nuisance and may be subject to abatement by a restraining order or injunction issued by a court of competent jurisdiction.

Section 302. Separability

The invalidity of any provision of this Ordinance shall not invalidate any other part.

Section 303. Effective Date

The effective date of this Ordinance shall be June 18, 1981.